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JW"Express Mail" Label No. 470 764686 USDate of Deposit Jan. 6, 2005PATENT

Docket No.: 020375-003500US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: Kevin L. McNeill

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO  
FACILITATE PAYMENT FOR  
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I was contacted by telephone by the Examiner assigned to the captioned application, Examiner Patel, on January 4, 2005. The Examiner indicated that the Office had received an Appeal Brief filed on July 7, 2004, but had no record of having received a Notice of Appeal. The Examiner indicated that the application is accordingly currently considered by the Office to be abandoned.

I reviewed the internal file for this application and noted that a Notice of Appeal was filed by first-class mail on May 7, 2004. The Notice of Appeal was filed in response to a Final Office Action mailed February 10, 2004 and having a shortened statutory period for


response of three months; its filing was therefore timely. It appears, after conducting an internal investigation, that the return postcard filed with the Notice of Appeal was not received by the law firm at which I am employed.

Applicant hereby petitions for withdrawal of any holding of abandonment since the Notice of Appeal was properly and timely filed in accordance with 37 C.F.R. §1.8. A copy of the Notice of Appeal and accompanying documents filed by first-class mail on May 7, 2004 are provided herewith. The accompanying documents include a Transmittal Form, a Fee Transmittal Form, and a return postcard. The Transmittal Form includes a Certificate of Mailing executed by Nina L. McNeill on May 7, 2004. A Statement by Ms McNeill attesting on a personal-knowledge basis to facts related to the filing is also submitted herewith.

It is thus believed that the requirements under 37 C.F.R. §1.8(b) for affording a filing date of May 7, 2004 to the Notice of Appeal and accompanying documents have been met. Applicant requests that the Notice of Appeal be entered as of that date and that the application be forwarded to the Examiner for consideration of the Appeal Brief filed July 7, 2004.

It is believed that no fee is required, but should the Patent Office determine otherwise, please deduct the requisite fee from Deposit Account 20-1430.

Respectfully submitted,

  
Patrick M. Boucher  
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (303) 571-4000  
Fax: (415) 576-0300  
PMB:pmb

JAN 06 2005

PTO/SB/21 (09-04)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/965,667

Filing Date

September 26, 2001

First Named Inventor

Thompson, Mark

Art Unit

3624

Examiner Name

Patel, Jagdish

Attorney Docket Number

020375-003500US

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
- Petition to Withdraw Holding of Abandonment Statement of Nina L. McNeill
- Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

*Patrick M. Boucher*

Printed name

Patrick M. Boucher

Date

January 6, 2005

Reg. No.

44,037

## CERTIFICATE OF TRANSMISSION/MAILING

Express Mail Label: EV 470764686 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date January 6, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

*Nina L. McNeill*

Typed or printed name

Nina L. McNeill

Date

January 6, 2005



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 330

Complete if Known	
Application Number	09/965,667
Filing Date	September 26, 2001
First Named Inventor	Thompson, Mark
Examiner Name	Patel, Jagdish
Art Unit	3624
Attorney Docket No.	020375-003500US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	2001 385 Utility filing fee	
		1002	340	2002 170 Design filing fee	
		1003	530	2003 265 Plant filing fee	
		1004	770	2004 385 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	
SUBTOTAL (1)					(\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =		
Independent Claims	** =		
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	2202 9 Claims in excess of 20
		1201	86	2201 43 Independent claims in excess of 3
		1203	290	2203 145 Multiple dependent claim, if not paid
		1204	86	2204 43 ** Reissue independent claims over original patent
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ )				

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

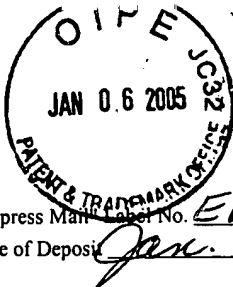
**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	
		1252	420	2252 210 Extension for reply within second month	
		1253	950	2253 475 Extension for reply within third month	
		1254	1,480	2254 740 Extension for reply within fourth month	
		1255	2,010	2255 1,005 Extension for reply within fifth month	
		1401	330	2401 165 Notice of Appeal	330
		1402	330	2402 165 Filing a brief in support of an appeal	
		1403	290	2403 145 Request for oral hearing	
		1451	1,510	1451 1,510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,330	2453 665 Petition to revive - unintentional	
		1501	1,330	2501 665 Utility issue fee (or reissue)	
		1502	480	2502 240 Design issue fee	
		1503	640	2503 320 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Petitions related to provisional applications	
		1806	180	1806 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	770	2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	2801 385 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid SUBTOTAL (3)					(\$ )330

**SUBMITTED BY**

Name (Print/Type)	Patrick M. Boucher	Registration No. (Attorney/Agent)	44,037	Telephone	203-571-4000
Signature	<i>Patrick B.</i>	Date	May 7, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



"Express Mail" Label No.

EV 47076 4686 US

Date of Deposit

Jan. 6, 2005

PATENT

Docket No.: 020375-003500US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: Nina L. McNeill

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark Thompson

Application No.: 09/965,667

Filed: September 26, 2001

For: SYSTEMS AND METHODS TO  
FACILITATE PAYMENT FOR  
SHIPPED GOODS

Examiner: Patel, Jagdish

Art Unit: 3624

STATEMENT OF NINA L. MCNEILL  
UNDER 37 C.F.R. §1.8(B)(3)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. The following statements are based on my personal knowledge.
2. I am a Patent Secretary employed by Townsend and Townsend and Crew LLP ("Townsend") at 1200 Seventeenth St., Suite 2700, Denver CO 80202.
3. It is my usual and customary practice when filing papers by first-class mail with the U.S. Patent and Trademark Office ("USPTO") to review the paper after its execution by a patent attorney, to execute the Certificate of Mailing, to make a copy of the fully executed papers, and thereafter to deposit the papers in an envelope addressed to the USPTO. After personally sealing the envelope, it is picked up by an office-services clerk. The office-services clerk is required to affix sufficient postage to the envelope and to entrust all first-class mail

addressed to the USPTO with an office of the U.S. Postal Service on the same day it is received. I believe on information and belief that this procedure is diligently followed.

4. I have reviewed Townsend's file for U.S. Pat. Appl. No. 09/965,667. The file includes a copy of a Notice of Appeal executed by Patrick M. Boucher on May 7, 2004, accompanied by a Fee Transmittal Form and a Transmittal Form. The Transmittal Form specifically indicates that it accompanies a Fee Transmittal Form, a Notice of Appeal, and a Return Postcard. A true copy of these documents is attached to this Statement.

5. My signature appears on the Certificate of Mailing for the Transmittal Form.

6. My best recollection is that I did not deviate from my usual and customary practice described above and that the papers identified in ¶4 were entrusted with the U.S. Postal Service on May 7, 2004.

*January 6, 2005*

*Nina L. McNeill*

Nina L. McNeill

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
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Fax: (415) 576-0300  
PMB/nlm  
60391841 v1



## BEST AVAILABLE COPY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please stamp the date of receipt of the following document(s):

For: SYSTEMS AND METHODS TO FACILITATE PAYMENT FOR SHIPPED GOODS

1. Transmittal Form
2. Fee Transmittal
3. Notice of Appeal (in duplicate)

Appl. No. 09/965,667  
Date Filed: September 26, 2001  
Date Mailed: May 7, 2004  
Atty. Docket No. 020375-003500US  
Atty/Sec: PMB/nlm (Den)

NLM Docketing MAY 07 2003

